

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

15-CR-149-A

FRANK R. PARLATO, JR.

Defendant.

NOTICE OF MOTION AND MOTION

THE UNITED STATES OF AMERICA, by and through its attorney, Trini E. Ross, United States Attorney for the Western District of New York, Charles M. Kruly, Assistant United States Attorney, hereby moves for a three-week extension of time for the government to respond to Parlato's sentencing memorandum. *See* Dkt. 324. The basis for this request is set forth in the attached declaration.

DATED Buffalo, New York, March 15, 2023

TRINI E. ROSS
United States Attorney

BY: */s/ CHARLES M. KRULY*
Assistant United States Attorney
United States Attorney's Office
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202
716-843-5838
Charles.Kruly@usdoj.gov

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DECLARATION

CHARLES M. KRULY, states under penalty of perjury pursuant to 28 U.S.C. Section 1746:

1. I am an Assistant United States Attorney for the Western District of New York and am assigned to prosecute this case. This declaration is submitted in support of the government's motion for a three-week extension of time for the government to respond to defendant Parlato's sentencing memorandum. *See* Dkt. 324.

2. On March 14, 2023, the defendant filed a sentencing memorandum and character letters in support of his request for a downward variance. *See* Dkt. 324. The government's response in opposition is due March 24, 2023, and sentencing is currently scheduled for April 4, 2023.

3. The defendant's sentencing memorandum and accompanying letters are nearly 200 pages long. Further, the defendant's sentencing memorandum discusses the

underlying facts of the case, which are complex. To provide the government with sufficient time to respond to the defendant's memorandum, and in light of other scheduling conflicts, the government respectfully requests a three-week extension of time, through and including April 14, 2023, to file a response to the defendant's sentencing memorandum. Granting this extension will also require an adjournment of sentencing.

4. Before filing this motion, I spoke with Herbert Greenman, Esq., counsel for defendant Parlato. Mr. Greenman has no objection to this motion.

Respectfully submitted,

TRINI E. ROSS
United States Attorney

BY: */s/ CHARLES M. KRULY*
Assistant United States Attorney
United States Attorney's Office
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